

### **REMARKS**

This is in response to the Office Action dated December 2, 2004, and the references cited therewith.

Claims 1 and 11 are amended, and claims 4-10 and 14-20 are canceled. As a result, claims 1-3 and 11-13 are now pending in this application. In response to the restriction requirement, applicant has cancelled claims 6-10 and 16-20 herein. The remaining claims in the case relate to a method or apparatus of delivering shock therapy between a CS electrode and an SVC electrode, designated as embodiment 1 in the office action.

#### **§102 and §103 Rejection of the Claims**

Claims 1-3, 5, 11-13 and 15 were rejected under 35 USC § 102(b) as being anticipated by Min et al. (U.S. Patent No. 5,549,642). Claims 1-3, 5, 11-13 and 15 were rejected under 35 USC § 102(e) as being anticipated by Swerdlow et al. (U.S. Patent No. 6,091,989). Claims 4 and 14 were rejected under 35 USC § 103(a) as being unpatentable over Min et al. (U.S. Patent No. 5,549,642) or Swerdlow et al. (U.S. Patent No. 6,091,989). The rejections are traversed and reconsideration is respectfully requested.

Claims 1 and 11 have been amended herein to recite a method or apparatus for delivering tachyarrhythmia therapy in which a voltage pulse is delivered between a first electrode disposed within the coronary sinus and a second electrode disposed within the superior vena cava or right atrium, wherein the second electrode is electrically connected to an implantable housing and a subcutaneous array electrode. Applicant finds no teaching or suggestion in the prior art of record for an electrode arrangement in which an implantable housing is electrically connected in common with an additional subcutaneous electrode. Applicant therefore believes that the recitations of claims 1 and 11, as well as dependent claims 2-3 and 12-13, are neither taught nor suggested by the prior art of record.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 5-2-05

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 2 day of May, 2005.

Peter Rebuffoni

Name

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Signature